IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.971 OF 2005
TO
CRI.APPLICATION NO.973 OF 2005
WITH
CRI.APPLICATION NO.1003 OF 2005
TO
CRI.APPLICATION NO.1005 OF 2005

Shailesh P.Popat ..Applicant

Vs.

Mr.Vasudev M.Savlani & Anr. ..Respondents

...

Mr.Shirish Gupte Senior Advocate with
Mr.P.D.Desai for applicant
Mr.B.G.Saraf Advocate for Respondent no.1
Mr.Rajesh More A.P.P. for State
in 971 and 972 of 2005
Mr.U.V.Nikam A.P.P. for State
in 973 of 2005
Mr.B.H.Mehta, A.P.P. for State
in 1003 of 2005
Mr.Rajesh More A.P.P. for State
in 1004 of 2005
Mr.V.B.Konde-Deshmukh A.P.P. for State
in 1005 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 25, 2005

P.C.

1. Heard the learned counsel for the applicant, learned advocate for the respondent no.1-original

complainant and the learned A.P.P. for the State in all the matters.

2. The applicant is seeking quashing of process issued by the learned Judicial Magistrate, F.C.Ulhasnagar in C.C.Nos.799 of 1996, 800 of 1996, 801 of 1996, 909 of 1996, 943 of 1996 and 995 of 1996. In the said case process was issued against the applicant under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revisions before the concerned

Sessions Court. The learned advocate for the applicant makes a statement that the necessary revisions will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revisions and revisions will be argued only on merits.

5. On the necessary revisions being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]